

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL DEANGELIS,

Plaintiff,

v.

Case No. 21-12722

T. COBB, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

/

ORDER

**ADOPTING 11/1/22 REPORT AND RECOMMENDATION AND
DENYING PLAINTIFF’S MOTION FOR INJUNCTIVE RELIEF**

Acting *pro se*, Plaintiff Michael Deangelis (“Plaintiff”) filed this § 1983 prisoner civil rights action on November 16, 2021, along with an application to proceed *in forma pauperis*, which this Court granted.

Because Plaintiff is proceeding *in forma pauperis*, the applicable statute requires this Court to dismiss this case, at any time, if it fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(b)(2) (“the court shall dismiss the case at any time if the court determines that” the action “fails to state a claim on which relief may be granted.”). In an Opinion and Order issued on May 19, 2022, this Court dismissed several Defendants named in Plaintiff’s complaint and also dismissed several claims for failure to state a claim – including Plaintiff’s First Amendment retaliation claim. (*See* ECF No. 11).

On May 19, 2022, this Court referred this matter to the magistrate judge for all pretrial proceedings.

On October 26, 2022, Plaintiff filed a “Motion For TRO / Injunctions,” wherein he seeks an injunction against Defendants Cobb and White, and against non-parties to this action, for discarding his mail and documents. (ECF No. 47).

On November 1, 2022, Magistrate Judge Curtis Ivy, Jr. issued a Report and Recommendation (“R&R”) wherein he recommends that the Court deny Plaintiff’s motion. (ECF No. 48). In the R&R, the magistrate judge explains that the only remaining claims in this case are Plaintiff’s claims for denial of medical care and for failure to protect him from an assault. Judge Ivy recommends that the Court deny Plaintiff’s motion seeking injunctive relief because it bears no relationship to the remaining claims in this case.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a magistrate judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. The district judge to whom the case is assigned reviews those objections, and any response to the objections from the opposing party. “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).

Plaintiff filed what appear to be untimely¹ objections to the R&R. Even if they had been timely filed, however, the Court finds them to be without merit. Plaintiffs’ objections do not dispute that a party seeking injunctive relief must necessarily establish a relationship between the injury claimed in the party’s motion and the plaintiff’s claims in the case. Rather, Plaintiff’s objections relate to the retaliation claim he asserted in his Complaint. That claim, however, has

¹Plaintiff’s objections were signed but not dated and were filed on November 23, 2022.

already been dismissed for failure to state a claim. As such, that claim cannot be the basis for injunctive relief.

This Court agrees with the magistrate judge that Plaintiff's motion for injunctive relief must be denied because the alleged conduct in his motion (that two Defendants and non-parties have discarded his mail and documents) is wholly unrelated to his remaining claims in this case (denial of medical care and failure to protect Plaintiff from assault). *See Colvin v. Caruso*, 605 F.3d 282, 300 (6th Cir. 2010); *Annabel v. Frost*, 2018 WL 5295887 at *2 (6th Cir. 2018); *Taylor v. United States*, 2019 WL 8440696 at *2 (W.D. Tenn. 2019).

Accordingly, the Court **OVERRULES** Plaintiff's Objections and **ADOPTS** the November 1, 2022 R&R. **IT IS FURTHER ORDERED** that the Court **DENIES** Plaintiff's motion seeking injunctive relief.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 2, 2022